

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-10 are currently pending. Claims 1, 6 and 8 are independent and are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §103

Claims 1-9 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,154,771 to Rangan et al. (hereinafter merely “Rangan”) in view of U.S. Patent No. 6,487,538 to Gupta et al. (hereinafter merely “Gupta”).

Applicant respectfully traverses this rejection.

Independent claim 1 is representative and recites, *inter alia*:

“a user area of a predetermined size is allocated to each of said users for the storage of a content owned by a corresponding one of the users

...
content delivering means for providing said corresponding user with said contents stored in said corresponding user area, the contents provided to the corresponding user solely as streaming content wherein the content files are not downloadable for permanent storage by the corresponding user,

...
wherein each of said corresponding users is charged a usage fee proportional to the user area size allocated to the corresponding user in said user-oriented content storing means. . . .” (Emphasis added)

- First Argument

Claim 1 recites, “providing said corresponding user with said contents stored in said corresponding user area . . . corresponding users is charged a usage fee proportional to the user area size allocated to the corresponding user . . .” In an aspect of the present invention, the content is copied to the corresponding user’s area and the corresponding user (the user who *receives* the content) is charged the usage fee proportional to the user area size.

The Office Action points to Gupta, col. 1, lines 24-25 and col. 12, lines 42-50 for the above element of claim 1. However, in Gupta, the commercial provider is the one who is charged a fee proportional to the advertisement size. The user who receives the commercial is not charged a fee proportional to the advertisement size.

There is no provider of information recited in claim 1. All the users are receivers of streaming content from the system. Thus, there is no provider user and no provider user to be charged the fee asserted in the Office Action. In the present invention, there are a plurality of users who can receive streaming content from the system. Each user has a corresponding user

area and the user corresponding to that area is charged a fee based on the size of the area. There is no suggestion in Gupta that the corresponding users who receive the content are “charged a usage fee proportional to the user area size allocated to the corresponding user” as recited in claim 1.

In contrast, claim 1 recites, “a user area of a predetermined size is allocated to each of said users . . . wherein each of said corresponding users is charged a usage fee proportional to the user area size allocated to the corresponding user.” That is, in an aspect of the present invention, the corresponding user who receives the content is charged a fee based on the size of the area allocated to the corresponding user as opposed to the user being charged a fee based on the number of files or each file size.

Rangan does not add the element missing from Gupta.

Claim 1 is believed patentable over Rangan and Gupta because those references taken alone or in combination do not disclose each and every element recited in the claim.

Independent claims 6 and 8 are believed patentable for at least the same reasons as claim 1.

- Second Argument

Claim 1 is representative and recites, *inter alia*:

“content delivering means for providing said corresponding user with said contents stored in said corresponding user area, the contents provided to the corresponding user solely as streaming content wherein the content files are not downloadable for permanent storage by the corresponding user.” (emphasis added).

The Office Action points to Rangan, col. 23, line 64 to col. 24, line 5, for the above recited element of claim 1. However, at the cited location, or anywhere else in Rangan, there is no suggestion the content files are not downloadable for permanent storage by the user. At the cited location, Rangan merely describes that stored hypervideo is delivered on demand to subscribers, users and viewers (SUV) as streaming hypervideo from the video server. There is no suggestion such hypervideo are not downloadable for permanent storage.

Gupta does not add the element missing from Rangan.

Claim 1 is believed patentable over Rangan and Gupta because those references taken alone or in combination do not disclose each and every element recited in the claim.

Independent claims 6 and 8 are believed patentable for at least the same reasons as claim

1.

- Third Argument

Claim 8 is representative and recites, *inter alia*:

“superposing personal information, by the content provider, including a user-identification that identifies the corresponding user on the streaming content of the providing step so the superposed personal information is displaying when the streaming content is reproduced.” (emphasis added).

In an aspect of the present invention, user's specific information is superposed onto the streaming screen while the content is being streamed for delivery. The delivered content is taken into the user's terminal together with the specific information about the user who has ordered the delivery including the user's identification. If the user makes an illegal copy of the acquired streaming screen and distributes the copy, the source of the unlawful distribution is immediately

identified by the information. This feature serves as a deterrent against the illegal copying of content files and the distribution of such illegal copies. Publ. App. pars. [0024] and [0078].

The Office Action at page 4, par. 13, points to Rangan, col. 21, lines 58-67 for the above recited feature of claim 8. The Office Action asserts, “[t]he transmission of inserted information such as interactive commercials, dynamic hyperlinks, security information, text captions and other control information are ‘user identification’” However, in Rangan, the player cooperates with the server to receive the specified information and “the player has the ability to insert this information . . .” Rangan, col. 21, lines 62-63.

In contrast, in an aspect of the present invention, a user’s identification is superposed by the content provider. There is no control by the user. Moreover, specific user information, such as user identification, identifies the specific user receiving the content. First, there is no suggestion in Rangan the superposed data is under the control of the server; out of the control of the player (indeed, it appears just the opposite).

Second, the Office Action overly broadens the teachings of Rangan. Applicants recognize that content may be superposed on streaming data. Applicants are not claiming the superposing of any content on streaming data; Applicants are claiming the superposing of specific user identification content. The specific user information is described in the specification as information the user does not want known to others. This information is distinguishable from Rangan where user desires the superposed data to be disclosed to others.

Gupta does not add the element missing from Rangan.

Claim 8 is believed patentable over Rangan and Gupta because those references taken alone or in combination do not disclose each and every element recited in the claim.

III. DEPENDENT CLAIMS

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Claims 1-10 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.


Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: _____


Paul A. Levy
Reg. No. 45,748
(212) 588-0800